

REMARKS

Pending Claims

Claims 1 and 3-6 are still pending.

Claim Rejections

The Examiner has again rejected all the pending claims under 35 USC 103(a) because of alleged obviousness in view of a proposed combination of US 6,088,677 (*Spurgeon*) and US 5,991,742 (*Tran*).

Because the differences between the invention as defined in claim 1 and *Spurgeon* seem so clear, at least to the applicants, they are somewhat perplexed about the Examiner's interpretation of terms. They believe that the problem must lie with the phrase "electronic representation of an image of a physical form that embodies a report" found in the most recent version of claim 1.

As the applicants have explained at length, and illustrated with text from *Spurgeon* itself, *Spurgeon* makes no provision for data extraction from any image that originated as a physical -- in particular, paper -- form. The Examiner, in simply copying and pasting pieces of claim 1 into the Office action, did not explain just how he arrived at the interpretation that *Spurgeon*'s on-screen input display is the same in any sense as an image of a physical form. The applicants believe, however, that one possible way to understand the Examiner's line of reasoning is: Given some paper form with blanks (or the like) a user is to fill in with a pen, one could design an on-screen display that allows entry of the same information. In a sense, this on-screen display is an electronic representation of the physical form, whether it looks the same or not.

Claim 1 has therefore been amended to make it clear that the electronic representation of the form is received "directly from a device for converting a physical form into a transmittable, electronic representation of the physical form." (The reference to "an image" has been removed because it is superfluous.) The specification, for example paragraphs [0027] and [0028], and previous claims (which were canceled to further prosecution, at the suggestion of a previous examiner) explains that the preferred device for this purpose is a typical fax machine, although other devices such

as a scanner/computer may be used. To quote from [0028]: "All that is required to use the invention is some device that allows a physical form to be converted into an electronic representation that can be transmitted to the center 400."

This certainly distinguishes the invention as claimed from *Spurgeon*, who explicitly and repeatedly states that he does not include or even want such an arrangement. For example, as quoted in the previous response:

Col. 4, lines 2-8 (emphasis added):

The provider interface portion then transmits the claim up to the web server and there it is translated, reformatted and transmitted via push technology to the insurer's HIS or to a third party claim processor. This automatic exchange *replaces the prior system of the providers' printing out the claims and mailing or faxing the printed claims* to the insurer for manual reentry.

and

Col. 4, lines 55-61 (emphasis added):

A main advantage of the information-exchange system is the increased speed with which claims are processed and paid and with which a subscriber may learn if a requested treatment will be paid for by the insurer. *The replacement of fax, telephone and mail with a high-speed, computerized system as a continuous conduit for all aspects of these requests produces the increased speed.*

Spurgeon's system requires, for example, that a worker who is reporting time must access a computer, or requires secondary, manual data reentry. This is because *Spurgeon* fails to realize that use of a fax or scanner, which converts a physical form into a representation to be transmitted, does not preclude fully automated extraction and processing of the data initially entered into a physical form. In short, *Spurgeon* illustrates the incorrect assumption that something like the applicants' invention cannot work without requiring subsequent manual data entry.

Conclusion

The applicants therefore respectfully submit that claim 1 now clearly recites a technically advantageous feature of the invention that *Spurgeon* explicitly denies having or even wanting. This feature is also not found in any of the other prior art of record (Tran included). Moreover, the phrase now added to claim 1, which simply clarifies – and *narrows* – just where the processed electronic form representation comes from, adds nothing that was not considered (and presumably searched) by the previous two

examiners in six previous Office actions, since the notion of using a fax machine (for example) to create the electronic form representation was even in the originally filed claim 10. The claims should now finally be allowable.

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Respectfully submitted,

A handwritten signature in black ink that reads "Jeffrey Pearce". The signature is written in a cursive, flowing style.

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